

United States Bankruptcy Court District of New Mexico

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NORMAN H. MEYER, JR.
Clerk of Court
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February 28, 2003

Notice to Practitioners #03-02

Stricter Document Acceptance Criteria Adopted

Effective immediately, the document acceptance criteria set forth below will be applied by the Clerk of Court. Although certain criteria represent no change (e.g., required fees must be paid), others are indicative of enhanced scrutiny (e.g., debtors' signatures on amendments required).

A core function of the Clerk of Court is to receive, file, and enter documents into the Court's records. There are a wide variety of documents and many laws, rules, and procedures which control the filing process. With the advent of the Court's new electronic document filing and management system, ACE v.2, the Court has reviewed its filing process and is implementing stricter control over the acceptance of documents. In particular, substantively defective documents will be subject to rejection by the Clerk's Office. This notice outlines the standards that will be applied in deciding whether to accept documents submitted for filing.

1. **Is the document legible?** If the Clerk's Office cannot discern the contents of a document, it will not be accepted for filing.
2. **Is the document's information correctly captioned and entered?** If the data submitted in ACE do not match the associated uploaded PDF document, the document will not be accepted. Examples include: case numbers do not match; debtor(s') names do not match; and the types of documents or pleadings do not match (e.g., the filer entered in ACE that the filing is a new petition, but the document uploaded is a motion to dismiss).
3. **When required, did the debtor(s) sign the document?** For instance, all petitions must be signed by the debtor. In addition, schedules, statements of affairs, statements of intent, non-filing spouse certifications, reaffirmation agreements (please note that the *creditor's signature* is also required), amendments to the

petition, etc., must be signed by the debtor(s). If they are not, the document will not be accepted for filing. If only one debtor on a joint petition signs, the Clerk's Office will only apply the document to the debtor whose signature is present.

4. **Is the appropriate fee paid?** When a document is submitted that requires a filing fee and the Clerk's Office processes a credit card for payment and the payment is rejected (card invalid, credit limit is exceeded, etc.), the associated document will not be accepted for filing.

As much as is practicable, the Court is intent on taking consistent action on both electronic and paper document submissions when applying these criteria.

It is important that all filers consider these criteria when submitting documents to the Court. Careful quality control by filers will avoid the rejection of documents. In addition, adherence to these guidelines will ensure the efficient processing of filings by the Clerk's Office.

Please direct any questions to the Clerk at 505.348.2450.

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